

IN THE UNITED STATES DISTRICT COURT
OR THE EASTERN DISTRICT OF CALIFORNIA

JOSEPH GEORGE,

Plaintiff, No. CIV S 07-1274 MCE DAD P

VS.

UNKNOWN,

Defendant. ORDER

Plaintiff, a state prisoner proceeding pro se and currently incarcerated at Pelican Bay State Prison, has filed a document in which he alleges that his civil rights have been violated and that his life is in imminent danger. Plaintiff has not submitted a civil rights form complaint and no other pleadings have been filed by plaintiff. Moreover, the letter filed by plaintiff with this court does not identify any potential defendants by name nor has plaintiff submitted an application to proceed in forma pauperis.

The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject

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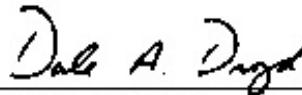
1 of the action is situated, or (3) a judicial district in which any defendant may be found, if there is
2 no district in which the action may otherwise be brought.” 28 U.S.C. § 1391(b).

3 Here, all of plaintiff’s allegations relate to events that allegedly took place at
4 Pelican Bay State Prison and, therefore, none of the potential defendants to a civil rights action
5 reside in this district. It appears that any claims which plaintiff may be attempting to present
6 arose in Del Norte County, which is in the Northern District of California. Therefore, any
7 complaint which plaintiff may elect to file presenting such claims would properly be filed in the
8 United States District Court for the Northern District of California. In the interest of justice, a
9 federal court may transfer a complaint filed in the wrong district to the correct district. See 28
10 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

11 The undersigned is mindful of the shortcomings of plaintiff’s filing with this court
12 and has noted many of them. However, in the interest of justice and in light of the serious nature
13 of the allegations set forth in plaintiff’s letter, the court will transfer the matter to the district
14 where plaintiff’s claims could be properly brought.

15 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the
16 United States District Court for the Northern District of California.

17 DATED: July 11, 2007.

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20 DALE A. DROZD
21 UNITED STATES MAGISTRATE JUDGE

22 DAD:cm
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